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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re A. D. et al., Persons Coming Under  
the Juvenile Court Law.

2d Juv. No. B240929  
(Super. Ct. Nos. J1395750, J1395751,  
J1395752, J1395753)  
(Santa Barbara County)

SANTA BARBARA COUNTY CHILD  
WELFARE SERVICES,

Plaintiff and Respondent,

v.

PETER D.,

Defendant and Appellant.

Welfare & Institutions Code section 300, subdivision (c)<sup>1</sup> authorizes the juvenile court to take jurisdiction of a child who is either suffering or at substantial risk of suffering "serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior . . . as a result of the conduct of the

<sup>1</sup> All undesignated statutory references are to the Welfare and Institutions Code.

parent."<sup>2</sup> Peter D. appeals from the jurisdictional orders declaring his daughter, A., and three sons, Peter, James and Joseph, to be dependents of the juvenile court, based on its findings that they suffered or were at risk of suffering serious emotional harm. (§ 300, subd. (c).) Appellant challenges the sufficiency of the evidence to support the court's findings. We affirm.

### BACKGROUND

Appellant and Z. (mother) have a daughter, 13-year-old A., and three sons: 10-year-old Peter, 8-year-old James, and 6-year-old Joseph. In 2007, mother filed a petition to dissolve their marriage. The dissolution proceedings were pending for years. With some exceptions, the parents had equal custody of the children from mid-2009, until early 2012. The children usually lived together, and moved weekly between their parents' homes.

On January 18, 2012, CWS filed four dependency petitions (one for each child) alleging that appellant caused serious emotional damage to his child, or that the child was at substantial risk of suffering such damage. (§ 300, subd. (c).) The petitions further allege, among other things, that A. contacted the child abuse hotline on December 27, 2011, reported that appellant emotionally abused her, and said that she could not "take it anymore"; that appellant failed to acknowledge A.'s emotional state, including her "thoughts of self harm" and prevented CWS from screening her mental health; and that CWS had received four prior referrals that appellant abused one or more of the children, and that the prior referrals were unfounded. CWS had placed the children in its protective custody on January 13, 2012, and placed them with mother.

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<sup>2</sup> Section 300 provides in relevant part as follows: "Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court: [¶] . . . [¶] (c) The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care."

On January 25, 2012, Amy Wilborn, a licensed marriage and family counselor and a CWS screener, met with mother and each of the children. A. told Wilborn about her suicidal thoughts and appellant's abusive conduct. Wilborn concluded that each of the four children was a victim of emotional abuse, with a parent-child relational problem, and was at continued risk of abuse and further damage without protective interventions. Wilborn also concluded that Peter, James and Joseph each had an unspecified adjustment disorder, and that A. suffered from post-traumatic stress disorder, a dysthymic disorder, and a major recurrent severe depressive disorder, without psychotic features. CWS submitted a jurisdiction/disposition report recommending that the juvenile court declare the children to be its dependents and order their continued placement with mother. Appellant requested a contested hearing.

During contested proceedings, A. testified regarding appellant's abusive conduct, her suicidal feelings and her suicide attempts. Among other things, appellant kicked her in the stomach weekly, and threatened to slap her "fucking head off." The juvenile court admitted a copy of a hand-written document A. called her journal. That journal described appellant's treatment of his children, and its impact on A. Wilborn testified that A. reported feeling lonely and hopeless, had suicidal thoughts, had attempted suicide, and feared that appellant might "hurt [her] or something."

Appellant testified and denied the allegations of the petition, including those incorporated from the unfounded prior referrals. He also testified that in 2009, when she was fighting with mother, A. chose to live with him 100 percent of the time, for several months. A. acknowledged that she lived with him voluntarily for several months that year. Appellant did not think that A. was suicidal.

The children's karate teacher testified that he knew the children well, regularly saw them with appellant, and never saw him abuse them. Paternal grandmother gave similar testimony. She also testified that she saw A.'s wrists during the period that she reportedly had cut them, and they had no cut marks.

CWS urged, and counsel for the children agreed, that "there [was] more than ample evidence . . . of the emotional damage" that the children had suffered. CWS

also argued that it was "very clear that this child [A.] has suffered emotional damage [and that it was] clear that her brothers have been subjected to similar treatment . . . ." The juvenile court found the allegations of the petition to be true, and declared the children to be dependents of the court pursuant to section 300, subdivision (c). It also ordered family maintenance services for mother, reunification services for appellant, and a psychological assessment of A. and appellant.

## DISCUSSION

We reject appellant's claim that the evidence does not support the juvenile court's findings that his children suffered, or were at substantial risk of suffering, serious emotional damage. In reviewing a juvenile court's jurisdictional orders, we must determine whether they are supported by substantial evidence. (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.) "In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court's determinations; and we note that issues of fact and credibility are the province of the trial court." (*Ibid.*)

When jurisdiction is asserted on the ground of parental conduct causing emotional harm, CWS has the burden of proving three elements by a preponderance of the evidence: "(1) serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior or a substantial risk of severe emotional harm if jurisdiction is not assumed; (2) offending parental conduct; and (3) causation." (*In re Brison C.* (2000) 81 Cal.App.4th 1373, 1379; *In re Shelley J.* (1998) 68 Cal.App.4th 322, 329.)

CWS presented substantial evidence to support the finding that appellant's children suffered or were at risk of suffering serious emotional damage as a result of his conduct. A. testified about his abusive conduct, which led to her suicidal feelings and suicide attempts. Her testimony and journal together described appellant's abusive treatment of all four children. The licensed marriage and family counselor who assessed them concluded that each child was a victim of emotional abuse, with a parent-child

relational problem, and at least one psychological disorder; and that each child was at continued risk of abuse and further damage without protective interventions.

DISPOSITION

We affirm the jurisdictional orders.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P.J.

YEGAN, J.

Arthur A. Garcia, Judge

Superior Court County of Santa Barbara

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Defendant and Appellant Peter D.

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